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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/310,294	05/12/1999	YONAH SCHMEIDLER	111283.137US2	8643
23483	7590	06/10/2005	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			ARANI, TAGHI T	
60 STATE STREET			ART UNIT	
BOSTON, MA 02109			PAPER NUMBER	

2131

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/310,294

Applicant(s)

SCHMEIDLER ET AL.

Examiner

Taghi T. Arani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-39 is/are allowed.
6) ☒ Claim(s) 40-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-42 were pending for examination
Claims 1-39 are allowed over prior art of record.

Response to Amendment

2. Applicant's amendment filed 3/23/2005 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, Auerbach et al. (USP 5,673,316) and further in view of Probert (USP 6,782,478).

As per claim 40, Auerbach reaches a system [see col. 2, lines 42-49]

for delivery of a content title to a client system over a computer network, the system including a content server having at least one content title stored thereon in unexecutable form, a method for creating an activator for processing a content title into executable form comprising:

providing cryptographic data for decrypting content title data [Auerbach discloses steps of a cryptographic envelope (activator) for decrypting content title data, see col. 2, lines 42-49, see also col. 4, lines 3-5 and lines 25-35, see also Fig. 2, reference numbers 201-211 for elements of a cryptographic envelope, i.e. once information parts to be included in the cryptographic envelope are assembled, each document part is encrypted with its part encryption key (PEK, i.e. cryptographic data) to form encrypted part, which is included in the cryptographic envelope, col. 5, lines 57-67].

storing the activator at a location of network accessible by the client system [Auerbach further teaches that the digital contents through cryptographic envelopes are distributed by any means including over the Internet, see col. 6, lines 30-42. That is, The Document Server (DS), the Buy Server (BS) and the client process (UPC) are coupled to a network and the cryptographic envelope is accessible by the client system].

Auerbach does not explicitly teach that the activator is in the form of the obfuscated bytecode embedding the cryptographic data in obfuscated bytecode to inhibit unauthorized extraction of the cryptographic data.

However, Probert, in an analogous art, teaches (see abstract) coding software wherein an encoder encodes a machine executable program using a cipher table, a unique key for encoding [see also col. 8, lines 22-38].

Probert further teaches use of Java Bytecode in embedding the cryptographic data [see col. 14, lines 30-42].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Auerbach with the teachings of Probert to embed the Auerbach 's cryptographic data in the form of the obfuscated bytecode to enhance the computer system security for possible contamination such as virus prior to detection [Probert, col. 2, lines 13-26].

3. Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach et al. and Probert as applied to claim 40 above and further in view of prior art of record, Downs et al. (USP 6,226,618).

As per claim 41, Auerbach as modified fail to disclose the method of claim 40,

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further comprising adding authorization data to the activator, the authorization data identifying a time period in which the content title remains in executable form.

However, Downs teaches a secure content (SC) which includes at least one bill of material part which includes information such as SC version, expiration date of SC, ID, etc., see col. 25, lines 7-35. Down further implements “Rights Management” functions into secure container which includes licensing authorization enforcing usage conditions of purchase or license, such as permitted number of copies, number of plays, and the time interval or the term license may be valid, see column 6, lines 65-67 though col. 7, lines 1-19.

The examiner asserts that obtaining a new time data from the content provider or retailers would be an obvious variation of the cryptographic envelope (or secure container) of Auerbach to extend or renew the license terms under control of the access server (or clearinghouse) after the secure container’s time period expires.

As per claim 42, Auerbach teaches the method of claim 41, further comprising creating a token authorizing the client system to access a content title stored on the content server[i.e. the Buy Server prepares a buy server response (BSR) in the form of a “License Cryptographic Envelope” or “key” to unlock the cryptographic envelope and sends it back to the user, col. 10, lines 35-50. That is the user would be require to obtain a signature (authorization token) of the buy server to open the cryptographic envelope provided by the content server], and

storing the token with the activator at a location on the computer network accessible by the client system [Auerbach ‘s creation of a cryptographic envelope of digital content is done off-line by the document provider (i.e. a content server) and can be distributed or stored on any

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servers without any security requirement on the server, col.3, lines 44-48, see also col. 6, lines 40-42. Auerbach further teaches that a user (i.e. a client coupled to the network) interested in the cryptographic envelope content would have to buy (or obtain) the necessary PEKs (i.e. content encryption keys necessary to obtain the digital content(s)) from the buy server (i.e. an access server) prior to obtaining the digital content from the content server, col. 6, lines 43-48, see also Fig 1].

.Action is Final

4. THIS ACTION IS FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

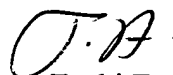
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.
Examiner
Art Unit 2131



EMMANUEL L. MOISE
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